

REMARKS/ARGUMENTS

These remarks are submitted responsive to the Office Action dated April 21, 2009 (Office Action). As this response is timely filed before the expiration of the 3-month shortened statutory period, no fee is believed due. However, the Examiner is expressly authorized to charge any deficiencies to Deposit Account No. 14-1437.

Request to Withdraw Finality of this Office Action

Applicants request the withdrawal of the finality of this Office Action because the Examiner introduced a new ground of rejection (see paragraph 8 on page 18 of the Office Action) that is not necessitated by Applicants' amendment of the claims. See MPEP 706.07(a). It is noted that in the previous response, Claim 1 was only amended to change the word "call" to "originating party" to overcome a formality objection.

Claim Rejections – 35 USC § 101

Claim 24 was rejected under 35 U.S.C. § 101 because it was asserted that the claimed invention is directed to non-statutory subject matter. It is further asserted that the language "computer-readable storage" is not supported by the specification.

It is noted that a "computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permits the computer program's functionality to be realized, and is thus statutory" (see MPEP 2106.01 I).

Although Applicants believe that "computer-readable storage" and "computer-readable medium" are equivalent phrases, Applicants have changed "computer-readable storage" to "computer-readable medium" in order to facilitate prosecution of the instant application.

It is noted that the phrase "computer-readable medium" is a commonly-accepted and often-used term to describe a category of claims, just as do the terms "method" and "device," which do not require an explicit definition in the specification.

Claim Rejections – 35 USC § 103

Claims 1 and 23-24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,818,920 to Rignell, *et al.* (hereinafter Rignell) in view of U.S. Patent 6,574,486 to Labban (hereinafter Labban), U.S. Patent 6,853,711 to Brisebois, *et al.* (hereinafter Brisebois), GB 2284965 to Seppo (hereinafter Seppo) and U.S. Patent 6,934,543 to Wang, *et al.* (hereinafter Wang).

Applicants respectfully disagree with the rejections and thus have not amended the claims to overcome the rejections. The added claims are fully supported by the original disclosure and no new matter has been introduced.

Aspects of Applicants' Invention

It may be helpful to reiterate certain aspects of Applicants' invention prior to addressing the cited references. One embodiment of the invention, as typified by Claim 1, is a method for providing an originating party utilizing an originating pervasive Communication Device (PCD) with information local to a receiving party utilizing a receiving PCD.

The method can include identifying an attempt to originate a call or a message from the originating PCD to the receiving PCD; prompting the originating party utilizing the originating PCD to decide whether or not to receive information local to the receiving PCD; upon the originating party deciding to receive the information local to the receiving PCD, sending a request for the local information to a service provider of the receiving PCD from a service provider of the originating PCD; and retrieving the information local to said receiving PCD by the service provider of the receiving PCD. The local

information comprises a current time, date, and location of said receiving PCD and information indicating whether the receiving party is not to be disturbed.

The method also can include querying the originating party as to whether to display the current location information of the receiving party; and supplying the retrieved local information to the originating party. Whether or not the current location information of the receiving party is displayed depends on an answer of the originating party to the query.

The method further can include prompting the originating party to select an appropriate action among available actions upon receiving the local information of the receiving party. The available actions include connecting the call or message to the receiving party, deferring the call or message to a more appropriate time, sending the call or message to a voicemail or mail box of the receiving party, and disconnecting the call or message. If the originating party indicates that the call or message is urgent, determining whether to send an alert signal to the receiving PCD based on the determined local information and the received indication.

See, e.g., Specification, page 8, line 20 to page 11, line 18; see also Figs. 1-2.

The Claims Define Over The Prior Art

The present invention differs from Ringell in several aspects. Ringell does not disclose prompting the originating party to decide whether or not to receive information local to the receiving party, as recited in independent Claims 1 and 23-24 of the instant application. In contrast, in Ringell the prevention device informs the calling communication terminal of the local time of the new communication terminal prior to connection without prompting for the decision of the calling party (see, e.g., the abstract). It was asserted in the Office Action that one of ordinary skill in the art would clearly recognize prompting is disclosed whether automatic or manual operation to provide the requested information. However, it is not clear how one of ordinary skill in the art would clearly recognize prompting the originating party to decide whether or not to receive

information local to the receiving party from the disclosure of automatically forwarding the information about the local time of the time zone of the called party to the calling party as in Ringell. It is noted that if the information is automatically forwarded, then there is no decision for the originating party to make.

It is disclosed in Ringell (see col. 5, lines 15-19; col. 4, lines 60-64; col. 7, lines 15-18) that the information about the local time of the time zone of one mobile terminal is forwarded to another mobile terminal where the information is presented on a display or as a voice request through a loudspeaker. However, it is noted that a determination as to how the information will be displayed is completely different from a determination as to if the information will be received.

Ringell does not disclose querying the originating party as to whether to display the current location information of the receiving party, wherein whether or not the current location information of the receiving party is displayed depends on an answer of the originating party to the query, as recited in independent Claims 1 and 23-24 of the instant application.

In the present invention, the caller can decide if the location of the called party should be displayed. For example, for a display of local information such as "It is now Thursday Apr. 27, 6:00 pm GMT or 4:00 am on Friday Apr. 27 in Sydney Australia," if the caller does not wish the location to be disclosed, then an alternate message can be "It is now Thursday Apr. 26, 6:00 pm GMT or 4:00 am on Friday Apr. 13 at the called party's location" (see Specification, page 9, lines 19-21).

It was asserted in the Office Action that Ringell discloses (see col. 5, lines 15-19; col. 4, lines 60-64; col. 7, lines 15-18) that a determination is made for the information to be displayed and the sending party (A, caller) can have the information provided via a display or voice request in which there must be a querying as evidenced by the fact that one of ordinary skill in the art would clearly recognize whether automatic or manual operation to provide the requested information.

However, as already discussed above in argument (1), Ringell discloses in col. 5, lines 15-19; col. 4, lines 60-64; and col. 7, lines 15-18 that the information about the local time (not location) of the receiving party will be forwarded and displayed to the calling party. This has nothing to do with querying the originating party as to whether to display the current location information of the receiving party.

In Ringell the local information only includes the local time, whereas in the present invention the local information includes a current time, date, and location of the receiving device and information indicating whether the receiving party is not to be disturbed.

It was asserted in the Office Action that Ringell (see col. 7, lines 15-18, lines 21-25; col. 8, lines 5-8, 16-20) discloses that the message for subscriber (C) indicates that a filter is active in which the “not to be disturbed” would be inherent to provide restriction of a call during a certain time range, and that the local information includes the local time of day and time zone where the receiving handheld device is located on which the date would be inherent which is due to the location and/or time zone of the calling device relative to location of receiving device based on the 24 longitudinal division (i.e., time zones) for time keeping of the earth as evidenced by the fact that one of ordinary skill in the art would clearly recognize (see col. 5, lines 15-19; col. 2, lines 28-31; col. 6, lines 64-67; Figs. 1-4).

It is noted that in Ringell the filter unit answers the call and informs the calling subscriber by a voice message of the local time of the receiving subscriber, and informs the calling subscriber that the call can be connected only if the calling subscriber gives a predetermined voice message or activates a certain key or key sequence. This is different from the information indicating whether the receiving party is not to be disturbed. The calling party may be required to give a predetermined voice message or activate a certain key for a number of reasons (such as for security reasons) and thus the fact that the filter is active does not necessarily give the calling party the information that the receiving party is not to be disturbed.

It is also noted that although in Ringell the date may be calculated from the time zone, calculation is different from getting the information directly from the service provider of the receiving party and displaying it to the calling party. Further, a location is different from a time zone because time zone information does not indicate a concrete geographical location (such as "Sydney Australia").

The other cited references do not make up for the deficiencies of Ringell as discussed above. It was asserted in the Office Action that Brisebois discloses that the local information (e.g., context information) comprises a current date (see col. 2, lines 46-50; col. 3, lines 7-9). However, it is noted that in Brisebois the date refers to the date at which a message was left (see col. 3, lines 7-9), not the current date of the receiving device when the calling party originates the call. It was asserted in the Office Action that Seppo discloses querying the originating party as to whether to display the current location information of the receiving party (see par. bridging pgs 6-7). However, it is noted that the paragraph bridging pages 6-7 of Seppo only discloses the display of the time of day of the destination area, not the location information of destination area.

Finally, it is noted that the Examiner did not address all the arguments presented in the previous response. Applicants, thus, request that the Examiner address all of the arguments presented in this response. Accordingly, the cited references, alone or in combination, fail to disclose or suggest each and every element of Claims 1 and 23-24. Applicants therefore respectfully submit that Claims 1 and 23-24 define over the prior art. Applicants thus respectfully request that the claim rejections under 35 U.S.C. § 103 be withdrawn.

CONCLUSION

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the

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Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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